

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

TINYQA MCKINNEY,

Plaintiff,

v.

WINDHAM PROFESSIONALS, INC.,

Defendant.

: Case No.3:11-cv-505

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VERIFIED COMPLAINT

TINYQA MCKINNEY (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against WINDHAM PROFESSIONALS, INC. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. 1692, *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Because Defendant conducts business in North Carolina, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Charlotte, Mecklenburg County, North Carolina.

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6. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
7. Defendant is a collection agency with a business office in Salem, New Hampshire.
8. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

9. Defendant places calls to Plaintiff seeking and demanding payment of an alleged debt for a student loan.
10. Defendant's agent "Albert" calls Plaintiff at her place of employment almost daily at 704-357-1414 and left call back number, 800-969-0059 x 2439 with a co-worker.
11. On or about the end of August 2011, Defendant called Plaintiff at her place of employment on two (2) separate occasions and informed one of Plaintiff's co-worker that Defendant was calling in regards to a garnishment that was about to be initiated (See Exhibit A).
12. Defendant was rude to one of Plaintiff's co-worker (See Exhibit B).
13. When Plaintiff returned Defendant's call, Defendant's agent "Albert" told Plaintiff she was trying to pull something "fishy", and told her that her check would be garnished.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692b(2) of the FDCPA by communicating with Plaintiff's co-workers and stating that Plaintiff owes a debt.
 - b. Defendant violated §1692c(b) of the FDCPA by communicating with third

parties, Plaintiff's co-workers in connection with the collection of a debt. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which is to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt;

- c. Defendant violated §1692e(4) of the FDCPA by threatening that non-payment of the debt would result in wage garnishment.

Wherefore, Plaintiff, TINYQA MCKINNEY, respectfully requests judgment be entered against Defendant, WINDHAM PROFESSIONALS, INC., for the following:

- 15. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- 16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k, and
- 17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Please take notice that Plaintiff, TINYQA MCKINNEY, demands a jury trial in this cause of action.

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Dated: October 11, 2011

RESPECTFULLY SUBMITTED,

By: /s/ Christopher D. Lane

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TINYQA MCKINNEY

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF NORTH CAROLINA

Plaintiff, TINYQA MCKINNEY, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, TINYQA MCKINNEY, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

September 15th, 2011
Date

Tinyqa McKinney
TINYQA MCKINNEY

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